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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,477	11/20/2003	Harald Twardawski	7395-000008	8437
27572	7590	03/24/2005	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			HAN, JASON	
P.O. BOX 828			ART UNIT	
BLOOMFIELD HILLS, MI 48303			PAPER NUMBER	
			2875	

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/718,477	Applicant(s) TWARDAWSKI, HARALD	
	Examiner Jason M. Han	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 1,2,4,5,8,11 and 13-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/9 & 4/24 of '04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. Numerous grammatical errors are replete throughout the application. The examiner has forgone any correction due to the amount, and the specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
3. The disclosure is objected to because of the following informalities: Paragraph 7 is improper – Please recite a proper summary of the claim pertinent to the object of the invention. Appropriate correction is required.

Claim Objections

4. Claims 1, 2, and 4 are objected to because of the following informalities: Applicant uses the pronouns, "it" and "them", which lacks positive recitation and raises indefiniteness. Appropriate correction is required.
5. Claim 5 is objected to because of the following informalities: Applicant should positively recite the structural limitations of the invention and refrain from using terms such as "preferably". Appropriate correction is required.

Art Unit: 2875

6. Claims 5 and 8 are objected to because of the following informalities: Applicant uses the recitation, "and/or", which lacks definite limitation, and has been broadly interpreted by the examiner. Appropriate correction is required.
7. Claim 11 is objected to because of the following informalities: Applicant should positively recite the structural limitations of the invention and refrain from using terms such as "preferably". Appropriate correction is required.
8. Claims 13-15 are objected to because of the following informalities: Please positively recite the structural limitations in defining the scope of the claim – applicant should delete the phrases "formed as" or "made as", otherwise no patentable weight shall be given to the limitations. Appropriate correction is required.
9. Claim 13 is further objected to because of the following informalities: Applicant should positively recite the structural limitations in defining the scope of the claim – please consider revising to read either a "vehicle lamp" or a "bicycle lamp". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
11. A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since

Art Unit: 2875

the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, Claim 11 recites the broad recitation "0.5 meters to 2 meters", and the claim also recites "preferably of approximately 1 meter", which is the narrower statement of the range/limitation:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-6 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Homann (DE 29700991 U1).

Art Unit: 2875

13. With regards to Claim 1, Homann discloses a mobile lamp including:

- A first lighting arrangement [Figure 1: (6)] with a first light emitting diode element and a first image producing device [gaps formed between the reflectors – Figure 1: (4); Page 3, Lines 11-17; defined in the Abstract for close field illumination];
- A second lighting arrangement [Figure 1: (5)] with a second light emitting diode element and a second image producing device [Figure 1: (2, 4); Page 3, Lines 11-17; defined in the Abstract for distant field illumination]; and
- A switching device [see Abstract; Figure 2].

14. With regards to Claim 2, Homann discloses the lamp wherein the second lighting arrangement has at least three light emitting diode elements [Figure 1: (5)] and image producing devices associated with them [Figure 1: (4)], and whereby the light emitting diode elements [Figure 1: (5)] surround the light emitting diode element(s) of the first lighting arrangement [Figure 1: (6)] on the same plane [Figure 1: (3)].

15. With regards to Claim 3, Homann discloses the light emitting diode elements of the second arrangement [Figure 1: (5)] being arranged substantially along a circle.

16. With regards to Claim 4, Homann discloses the light emitting diode elements of the first and second arrangements and the image producing devices of at least one of the lighting arrangements [Figure 1: (4)] associated with them, whereby the light beams emitted by the lighting arrangement are substantially focused equally tightly (inherent that LEDs emit substantially focused equally tightly illumination as compared to a standard incandescent lamp bulb).

Art Unit: 2875

17. With regards to Claim 5, Homann discloses a glass plate/lens [Figure 1: (2)] included in the second image producing device (see Claim 1 Rejection above), which is arranged spaced apart from the respective light emitting diode elements [Figure 1: (5, 6); Page 2, Lines 31-35].

18. With regards to Claim 6, Homann discloses the first and second image producing devices [as defined by Figure 1: (4)] being one piece/one component.

19. With regards to Claim 14, Homann discloses the lamp being used as a hand lamp [see Title of the Invention].

20. Claims 1-11 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Natsume (U.S. Patent 6657393).

21. With regards to Claim 1, Natsume discloses a mobile lamp including:

- A first lighting arrangement [Figure 3: (20A) – middle arrangement] with a first light emitting diode element [Figure 3: (24R1, 24R2)] and a first image producing device [Figure 3: (30, 34)];
- A second lighting arrangement [Figure 3: (20A) – left/right of the middle arrangement] with a second light emitting diode element and a second image producing device [Figure 3: (18, 22, 28, 30, 36)]; and
- A switching device [inherent: see Technical Field of the Invention – Column 1, Lines 7-10].

22. With regards to Claim 2, Natsume discloses the lamp wherein one of the lighting arrangements has at least three light emitting diode elements [Figure 4: (24R1, 24R2)] and image producing devices [Figure 3: (18, 22, 28, 30, 34, 36)] associated with them,

Art Unit: 2875

and whereby the light emitting diode elements [Figure 4: (20A) – surrounding the middle arrangement] surround the light emitting diode element(s) of the first lighting arrangement [Figure 4: (20A) – middle arrangement] on the same plane.

23. With regards to Claim 3, Natsume discloses the light emitting diode elements of the lighting arrangement [Figure 4: (20A) – surrounding the middle arrangement] being arranged substantially along a circle.

24. With regards to Claim 4, Natsume discloses the light emitting diode elements and the image producing devices of at least one of the light arrangements associated with them are made such that the light beams emitted by the light arrangement are substantially focused tightly [Figure 3: (20A)].

25. With regards to Claim 5, Natsume discloses at least one image producing device including a lens [Figure 3: (22, 28, 30, 34, 36)] spaced apart from the respective light emitting diode elements.

26. With regards to Claim 6, Natsume discloses the image producing devices of the two lighting arrangements being made in one piece in one component [e.g. Figure 3: (30) or (34 and 36)].

27. With regards to Claim 7, Natsume discloses a lamp including first and second light arrangements [Figure 3: (20A) defined on the left/right side] with each having the same total radiation directions [as defined by the light traces].

28. With regards to Claim 8, Natsume discloses a lamp assembly wherein the main radiation directions of light emitting diode elements [Figure 3: (20A)] and/or the optical axes of image producing devices [Figure 3: (18, 22, 34, 36)] of first and second lighting

Art Unit: 2875

arrangements [Figure 3: 20A)] extend inclined at first and/or second acute inclination angles [defined by light traces of a single diode or arrangement (20A)] to a total radiation direction of the respective light arrangements [defined by all the light traces].

29. With regards to Claim 9, Natsume discloses the inclination angles inside at least one of the lighting arrangements [Figure 3: (20A)] being of equal size [Figure 3: (24R1, 24R2)].

30. With regards to Claim 10, Natsume discloses second inclination angles of a lighting arrangement [Figure 3: (20A) in the middle arrangement] being smaller than first inclination angles [Figure 3: (20A) on the left/right side arrangements].

31. With regards to Claim 11, Natsume discloses first and second light beams [Figure 3: light traces coming from (20A)] overlapping at a pre-determined distance from the lighting arrangements [Figure 3: (20A)] at least partly within a circle with a diameter from 0.5 meters to 2 meters (obvious considering the vehicle lamp is of typical size).

32. With regards to Claim 13, Natsume discloses the lamp being a vehicle lamp [see Title of the Invention].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2875

33. Claims 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Homann (DE 29700991 U1) as applied to Claim 1 above, and further in view of Lehrer (U.S. Patent 6290368).

34. With regards to Claim 12, Homann discloses the claimed invention as cited above, but does not specifically teach the light emitting diode elements emitting a substantially white light.

Lehrer teaches a light device including light emitting diode elements [Figure 3: (33)] that emit a white light [Column 4, Lines 21-31].

It would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify the mobile light of Homann to incorporate the white illumination of Lehrer in order to provide an aesthetically pleasing light, whereby white light appeals to a large number of people.

35. With regards to Claim 15, Homann in view of Lehrer discloses the claimed invention as cited above. In addition, Lehrer teaches the light device [Figure 3: (11)] being used as a head lamp [Figure 1: (11)].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art pertinent to the current application, but are not considered exhaustive:

US Patent 5174649 to Alston;

US Patent 5734504 to Billman;

DE 19815868 A1 to Geyer;

US Patent 5893633 to Uchio et al;

US Patent 6234648 to Borner et al;

US Publication 20020196639 to Weidel;

US Patent 6502956 to Wu;

US Publication 20030067769 to Gillpin;

US Publication 20040070990 to Szypszak;

US Publication 20040095755 to Hsien;

US Patent 6773139 to Sommers;

US Patent 6802622 to Hsien.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMH (3/11/2005)



JOHN ANTHONY WARD
PRIMARY EXAMINER